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April 20, 2004 Date	<i>Michael C. Barrett</i> Michael C. Barrett

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
An et al.

Serial No.: 09/974,546

Filed: October 10, 2001

For: Biomarkers and Targets for Diagnosis,
Prognosis, and Management of Prostate,
Breast, and Bladder Cancer

Group Art Unit: 1642

Examiner: Rawlings, Stephen L.

Atty. Dkt. No.: UROC:018USD2

RESPONSE TO RESTRICTION REQUIREMENT DATED OCTOBER 21, 2003

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

This paper is submitted in response to the Restriction Requirement dated October 21, 2003 for which the date for response was November 21, 2003.

A request for a five-month extension of time to respond is included herewith. This extension will bring the due date to April 21, 2004, which is within the six-month statutory period. The Commissioner is authorized to withdraw the \$2010 fee for the extension, as well as any other fees that might be due under 37 C.F.R. §§ 1.16 to 1.21, from Fulbright & Jaworski L.L.P. Account No.: 50-1212/UROC:018USD2.

In response to the restriction requirement which the Examiner imposed, Applicants elect, with traverse, to prosecute claims 78-85 with respect to Group XIX. Applicants traverse the rejection because they believe Group XIX and Group XX should be rejoined. Both groups include claims 78-85, which are directed to methods "of treating a patient with cancer comprising administering to the patient an effective amount of an agent that inhibits a peptide or polypeptide encoded by" either SEQ ID NO:83 (Group XIX) or SEQ ID NO:85 (GROUP XX). The two groups belong together because a review of SEQ ID NO:83 and SEQ ID NO:85 shows that they encode the same peptide or polypeptide. There are no differences between the encoded peptide or polypeptide, and consequently, the scope of the claims would not differ whether they recited SEQ ID NO:83 or SEQ ID NO:85. Therefore, claims 78-85 are neither distinct nor independent to the extent they recite SEQ ID NO:83 or SEQ ID NO:85. Accordingly, restriction between the two sequences is inappropriate. Applicants respectfully request that Group XIX and XX be rejoined.

The Examiner is invited to contact the undersigned attorney at (512) 536-3081 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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